

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICHAEL BRIAN TOOLEY,)
Petitioner,) Case No. C10-936-TSZ
v.)
JEFFREY UTTECHT,) ORDER OF DISMISSAL
Respondent.)

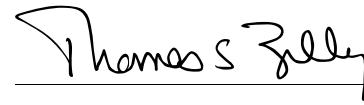
The Court, having reviewed petitioner's 28 U.S.C. § 2254 petition for writ of habeas corpus, the Answer, petitioner's reply, the Report and Recommendation of United States Magistrate Judge James P. Donohue, the governing law, and the balance of the record, does hereby find and ORDER:

- (1) The Report and Recommendation is ADOPTED;
- (2) Petitioner's habeas petition is DISMISSED without prejudice for failure to prosecute and for failure to comply with court orders;
- (3) Petitioner is GRANTED issuance of a certificate of appealability; and

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1 (4) The Clerk of Court is directed to send copies of this Order to petitioner and to
2 Magistrate Judge James P. Donohue.

3 DATED this 22nd day of August, 2012.

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6 THOMAS S. ZILLY
7 United States District Judge
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